

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALAN J WATSON, ET AL.,

Plaintiffs,

No. C 10-01394 JSW

v.

SOLDADO CORPORATION, ET AL.,

Defendants.

**ORDER SETTING BRIEFING
SCHEDULE ON MOTION TO SET
ASIDE DEFAULT**

On December 3, 2010, Plaintiffs filed a request for entry of default against Defendants Brian J. Engel ("Engel"), BJE, Inc., and JC Funding Solutions, Inc. On December 6, 2010, default was entered against those Defendants.

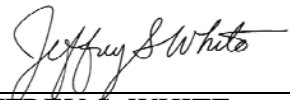
On December 13, 2010, Defendant Engel filed an Answer to Complaint. On January 31, 2011, Engel filed a motion to set aside default on the following grounds: "excusable neglect caused the delay in [filing] an answer to plaintiff's complaint; defendant has a good and meritorious defense to the claim for relief alleged; defendant filed a timely answer to the plaintiff's complaint but in a form that may not have been acceptable to the Court; defendant subsequently filed an answer to plaintiff's complaint in a form that should have been acceptable to the Court." (Doc. no. 53.)

Federal Rule of Civil Procedure 55(c) provides that "[t]he court may set aside an entry of default for good cause." To determine whether good cause exists, the Court hereby ORDERS Defendant Engel to file an affidavit setting forth the factual basis for the "excusable neglect" causing the delay in responding to the complaint or other grounds for setting aside the default.

1 Defendant Engel must file an affidavit in support of his motion to set aside entry of default by
2 no later than March 15, 2011. Plaintiffs may file a response within one week of the filing of
3 Engel's affidavit, but no later than March 22, 2011, on which date the Court will take the matter
4 under submission.

5 **IT IS SO ORDERED.**

6
7 Dated: February 22, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE